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Customer Number

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Patent
Case No.: 56899US003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: GEAGHAN, BERNARD O.

Application No.: 10/052695 Group Art Unit: 2673

Filed: January 18, 2002 Examiner: LEFLORE, Laurel E.

Title: TOUCH SCREEN WITH SELECTIVE TOUCH SOURCES

BRIEF ON APPEAL

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR § 1.8(a))

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

11-10-04

Date

Heather M. Bundy
Signed by: Heather M. Bundy

Dear Sir:

This is an appeal from the Office Action mailed on May 18, 2004. The fee required under 37 CFR § 41.20(b)(2) for the appeal should be charged to Deposit Account No. 13-3723.

REAL PARTY IN INTEREST

3M Company, a Delaware Corporation, and 3M Innovative Properties Company, a Delaware Corporation, are the real parties in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 19, 20 and 22-36, reproduced in the Claim Appendix, stand finally rejected and are being appealed.

screen. In contrast, Appellants' claims all recite that the user contact point is separate from the touch sensor, not an integral part of it. In addition, neither portion of the touch screen of Phares is driven with a signal that is transferred to the other due to a touch, as is required by Appellants' claims.

Phares does not disclose a user contact point separate from the touch sensor, nor does Phares disclose driving a user contact point with a signal and transferring that signal through a touch on the touch sensor to determine information related to the touch, nor does Phares disclose a user contact point switch and a touch sensor switch connected to a power source. The switch disclosed by Phares is for the purpose of deactivating a selected portion of a resistive touch sensor, and is not taught for the functions disclosed and claimed by Appellants, which include the ability to switch among a number of touch sensing modes and to distinguish touch inputs from different users. In brief, there is nothing in Phares to cure the deficiencies of the Dietz reference discussed above, or to overcome the teachings of Dietz in a manner sufficient to motivate one of skill in the art to modify the system disclosed by Dietz..

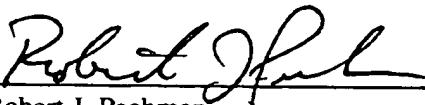
CONCLUSION

In view of the above, Appellants assert that the Examiner has failed to make a *prima facie* case of obviousness. The proposed combination is not proper due to lack of motivation, and even if proper the proposed combination does not disclose all the elements of Appellants' claims. Appellants therefore submit that the rejection of claims 19, 20 and 22-36 should be overturned, and respectfully solicit a favorable decision from the Board.

Respectfully submitted,

10 Nov. 2004

Date

By 
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